

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, *et al., ex rel.*
LAURIE SIMPSON,

Plaintiffs/Relator,

v.

BAYER CORPORATION; BAYER
HEALTHCARE PHARMACEUTICALS, INC.;
BAYER HEALTHCARE LLC; and BAYER
AG,

Defendants.

HON. JOHN MICHAEL VAZQUEZ

Civil Action No. 2:05-3895 (JMV)(LDW)

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Relator Laurie Simpson and Defendants Bayer Corporation, Bayer HealthCare Pharmaceuticals, Inc., Bayer HealthCare LLC, and Bayer AG (collectively “Bayer”), jointly file this Stipulation of Dismissal with prejudice as follows. The dismissal shall be with prejudice as to Relator, the United States, and all of the States named in the Tenth Amended Complaint (the Medicaid Participating States¹) with regard to Relator’s claims against Defendants for the Covered Conduct as defined in the Settlement Agreement between the United States, Bayer, and Relator. This dismissal excludes and does not encompass Relator’s claims against Bayer for reasonable attorneys’ fees, expenses, and costs pursuant to 31 U.S.C. §§ 3730(d) and 3730(h)(2) and analogous provisions of applicable state law.

¹ The Medicaid Participating States are California, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Mexico, New York, Oklahoma, Rhode Island, Tennessee, Virginia, Wisconsin, and the District of Columbia.

The Court shall retain jurisdiction of this action to adjudicate Relator's attorneys' fees, expenses, and costs claims pursuant to 31 U.S.C. §§ 3730(d) and 3730(h)(2) and analogous provisions of applicable state law, and for the purposes of enforcing the Settlement Agreement, as set forth in the Settlement Agreement.

As this matter is being resolved by settlement jointly with *United States ex rel. Simpson v. Bayer et al.*, 08-cv-5758 (D.Minn.)(MJD/ECW), in order to coordinate the filing and briefing of fee petitions, upon agreement of Simpson and Bayer, claims for attorneys' fees, costs and expenses pursuant to 31 U.S.C. § 3730(d) and (h)(2), and Fed. R. Civ. P. 54, shall be filed no later than 30 days after the later filed entry of judgment in this case and the District of Minnesota matter. Upon entry of the later filed judgment, the parties shall meet and confer and jointly propose a briefing schedule for the Court's approval.

Dated:

s/ David Bocian
David Bocian
Asher Alavi
Kessler Topaz Meltzer Check LLP
Attorneys for Relator Laurie Simpson

Dated:

s/ Jonathan F. Cohn
Jonathan F. Cohn
Benjamin M. Mundel
Sidley Austin LLP
*Attorneys for Bayer Corporation,
Bayer HealthCare Pharmaceuticals, Inc.,
Bayer HealthCare LLC, and Bayer AG*

Dated:

So Ordered as to the schedule:

HON. JOHN MICHAEL VAZQUEZ
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2022, the foregoing document was filed electronically with the Clerk of the Court using CM/ECF and was served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

Dated: October 20, 2022

/s/ David Bocian
David A. Bocian